IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 94 OF 2006

Mangesh Govind Bhait ...Applicant.

V/s

The State of Maharashtra
[At the instance of Mangaon
Police Station, Dist. Raigad] ...Respondent.

Mr. Ganesh Gole for the applicant.

Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 17th January, 2006.

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant is apprehending arrest in a complaint which is likely to be registered against him by one Vanita Bhiku Modake. The applicant received a legal notice from the advocate of the said complainant alleging that he had promised to marry her and had love affair with her. However, he did not marry the said complainant and on the basis of the false assurance had a sexual relation with the complainant.

It is submitted that the said complainant is likely to file a complaint against the present applicant and, therefore, he has filed this application for anticipatory bail.

3. The learned APP appearing on behalf of the State has submitted that, so far, no complaint has been lodged. It is further alleged that the Police are forcing the applicant to marry the said complainant and accept the paternity of the child which was born to the said complainant. He is, therefore, seeking the anticipatory bail.

4. From the averments made in the notice which is sent by the complainant to the present applicant, it can be seen that the complainant was a consenting party in sexual relation which she had with the applicant and, thus, it cannot be said that the applicant has committed an offence under section 376 of the Indian Penal Code. However since, so far, no complaint has been lodged by the said complainant, the respondents are directed to give 72 hours notice to the applicant in the event an offence is registered against the applicant by the said Vanita Bhiku Modake or any of her relatives in connection with the notice which has been sent by her through her advocate Vinod

V. Ghayal which is annexed at Exhibit-A to the application. The applicant is at liberty to file fresh application for anticipatory bail in the appropriate court in the event such notice is given to him. With these directions, Criminal Application is disposed of.

V.M. KANADE, J.